Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Telephone Number Portability	)	CC Docket No. 95-116
	)	

COMMENTS OF SBC COMMUNICATIONS INC.

SBC Communications Inc. (SBC) submits the following comments in response to the Commission's Second Further Notice of Proposed Rulemaking on shortening the intermodal local number portability porting interval (*2nd FNPRM*).[1]

I. INTRODUCTION AND SUMMARY

SBC believes that shortening the intermodal porting interval from four days to 53 hours, as proposed by the NANC in its Report to the Commission,[2] is not the best interests of consumers or the industry. It will not achieve what are assumed to be expectations of wireless customers and wireless carriers and will create unnecessary burdens on the wireline industry. Due to the low perceived benefit and the potential costs of implementing the proposed solution, SBC urges the Commission not to impose these requirements on the industry at this time.

If, however, the Commission decides it is necessary to shorten the intermodal porting interval, the Commission should implement the NANC's Proposal C2/A3 as proposed and not as modified in this *2nd FNPRM*. Specifically, the Commission should not require the industry to create and utilize a single mechanized interface or a new common Local Service Ordering

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[1] *Telephone Number Portability,* CC Docket 95-116, *Second Further Notice of Proposed Rulemaking*, 19 FCC Rcd 18515 (2004) ("*2nd FNPRM*").

[2] NANC Report on the Intermodal Porting Interval (May 3, 2004) ("NANC Report").

Guideline (LSOG). The Commission should instead recognize, as the NANC pointed out, that certain portions of the proposal cannot be realized if a mechanized interface is not used by both carriers involved in the process and that these new requirements should apply to simple ports only.[3]

Moreover, regardless of whether the Commission ultimately determines a shorter porting interval is necessary for intermodal ports, the Commission must develop requirements designed to minimize inadvertent ports. Inadvertent ports create customer frustration and confusion and take unnecessary time for carriers to resolve. The Commission could impose requirements for wireless carriers to perform certain verification activities before submitting port requests, which would drastically reduce the number of inadvertent ports.

II. BEFORE DECIDING UPON A SPECIFIC SOLUTION, THE COMMISSION MUST FIRST DETERMINE WHETHER SHORTENING THE INTERVAL IS NECESSARY

As the Commission noted in the *2nd FNPRM*, some commenters to the *Intermodal Porting Order and FNRPM* (including SBC) indicated that there is no real evidence that "reducing the intermodal porting interval will benefit consumers or that the current four day interval is hindering intermodal portability."[4] SBC still believes that there is no real indication that customers will even notice this quicker porting interval and is not convinced that a shortened interval is necessary at this juncture.

SBC further urges the Commission to consider that shortening the interval from four days to 53 hours (which equates to three days) neither reduces the interval to the two and one-half hours desired by the wireless industry,[5] nor meets the assumed wireless customers' expectation

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[3] *Id.* at 30.

[4] *2nd FNPRM* at ¶13.

[5] *NANC Report* at 11.

of going to "a wireless point of sale and leav[ing] with functional service and handset/terminal."[6]

The Commission should, therefore, take care only to implement such a solution if the Commission believes it will be meeting customer demand in a cost-efficient manner. It would be foolish to require carriers to incur costs today to slightly shorten the interval, only to turn around in the next year or two and require more costly changes to meet even shorter intervals. And given that the benefit to consumers appears low, the costs for some carriers to implement this interval certainly outweigh that benefit.

III. IF THE COMMISSION DETERMINES THAT SHORTENING THE INTERMODAL PORTING INTERVAL IS NECESSARY, SBC AGREES THE NANC'S PROPOSAL C2/A3 IS THE BEST OF THE PROPOSED ALTERNATIVES

The Commission, in the *2*nd *FNRPM*, stated that it supports the NANC Proposal C2/A3, which would shorten both the port request and port activation intervals for intermodal porting, reducing the overall porting interval from four days to 53 hours. The change would essentially shave a day off of the current interval.[7] Specifically, the NANC's "C2" proposal will reduce the Port Response portion of the Confirmation interval, which is the time given to the old service provider to send a Firm Order Confirmation to the new service provider, from one day to five hours.[8] This reduction would require both carriers to use a mechanized interface. And the NANC "A3" proposal would allow new service providers to activate a port up to 24 hours prior to the due date.[9] To facilitate this activation, the old service provider must send a subscription

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[6] *Id.*

[7] *See NANC Report.*

[8] *Id. at* 16.

[9] *Id.* at 18.

version[10] to the Number Portability Administration Center ("NPAC") "no later than 24 hours prior to the NPAC due-date."[11] This solution would result in "mixed service"[12] for the end-user until the wireline service has been disconnected.

Of the NANC-recommended alternatives, SBC would prefer the C2/A3 solution. If the Commission determines that a shortened interval is necessary, the Commission should opt for the C2/A3 as presented by the NANC.

IV. SBC BELIEVES THAT A SINGLE MECHANIZED INTERFACE AND NEW STANDARDIZED LSOG ARE UNNECESSARY

In the *2nd FNPRM*, the Commission states that, "[a]ccording to the NANC report, a uniform format for the exchange of information and a single mechanized interface could reduce the Confirmation Interval from 24 hours to five hours."[13] The Commission further states that the NANC recommended the industry establish one common LSOG to reduce the Confirmation Interval.[14] While the NANC did include, in the "Additional Considerations" section of its report, a suggestion that the industry should consider a single mechanized interface and new common LSOG, the NANC did not tie those changes directly to its C2 proposal.

In its C2 proposal, the NANC discusses a mechanized interface and states that the reduction in the interval from one day to five hours is predicated on the use of a mechanized interface, but it does not state that the mechanized interface should be standard across all

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[10] The NANC defines subscription version as "the term for NPAC's ported number record." NANC Report at 33.

[11] *Id.*

[12] "Mixed service" in this instance would mean that the customer would have dial-tone on both her wireline and wireless handsets and could place calls from either, but could only receive calls on the wireless handset. NANC Report at 20.

[13] *2nd FNPRM* at ¶11.

[14] *Id.*

carriers.[15] Such a task would require time, resources, and expense far beyond what would be warranted to achieve a one day reduction in the porting interval. SBC currently utilizes a process whereby orders are received and processed mechanically, and it can (and often does) meet a five-hour interval when simple port requests are transmitted correctly and mechanically.   In fact, SBC estimates that approximately eighty percent of the wireless carriers requesting ports currently use a mechanized interface successfully.

Moreover, while a "uniform format for the exchange of information," or LSOG, is generally an appropriate method for streamlining order flow processes, there are several versions in use today that meet the industry's needs. Additionally, some states require carriers to accept several older LSOG versions to minimize the burden on smaller carriers, eliminating the need for those carriers to bear the expense of updating their systems every time a new LSOG is released. For those reasons, it seems unnecessary at this point for the industry to undertake the development of a new LSOG. And while the NANC did indicate that a new, common LSOG could yield efficiencies, it declined to specifically recommend such a drastic and time-consuming solution, precisely because it recognized there would be significant expense and burden to the industry in requiring the creation of a new LSOG.

Additionally, the ability to implement the recommended C2/A3 solution within the 24-month timeframe suggested by the NANC[16] is, of course, dependent upon the specific requirements imposed by the Commission.   If the Commission requires the industry to implement a single mechanized interface, then 24 months will likely be far too little time for

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[15] *NANC Report* at 16.

[16] *NANC Report* at 30.

such a task. And if the Commission requires the industry to adopt a single new LSOG, 24 months, again, may not be enough time.

V. SBC BELIEVES INADVERTENT PORTS ARE PARTICULARLY PROBLEMATIC WITH INTERMODAL PORTING

The Commission, in the *2nd FNPRM*, seeks comment on whether reducing the intermodal porting interval will increase the number of inadvertent ports.[17] An "inadvertent port" occurs when a customer's number is ported in error. Generally, either the number is entered incorrectly on the Port Request sent to the NPAC, or the customer requesting the number is not the customer that currently "owns" the number. Regardless of the cause, the inadvertent port results in a total service outage for the customer whose number was incorrectly ported.

The NANC Report mentions that inadvertent ports are a problem and notes some carriers are concerned that reducing the interval could increase inadvertent ports.[18] SBC agrees that inadvertent ports are a problem, specifically with respect to intermodal porting, but believes that a reduced interval will merely result in quicker inadvertent ports rather than more inadvertent ports. Although reducing the porting interval may not result in more inadvertent ports, inadvertent ports are still a vital issue, and the Commission can and should act to reduce such occurrences.

In today's environment, the wireless carrier submitting an intermodal porting request (the winning, or "submitting" carrier) relies heavily on the wireline carrier receiving the porting order (the "executing" carrier) to verify the accuracy of the port request. By contrast, in a wireline-to-wireline port, the *winning* (submitting) carrier is required to ensure that port requests are accurate and obtain a Letter of Authorization (LOA) or other form of authorization from the person

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[17] *2nd FNPRM* at ¶12.

[18] *NANC Report* at 25.

responsible for the account prior to submitting a port request. This helps to ensure the customer making the request is both authorized to port the number and wants to port the number. The same type of process should apply to intermodal LNP. This is especially true since the rules do not require the executing carrier to verify the order and analogous rules with respect to long distance service changes could be construed to suggest that the executing carrier may not even be *permitted* to perform such verification.[19]

While the NANC outline of the wireless porting process states that the new service provider is supposed to verify the customer's identity and obtain and certify the customer's authorization to port the number, several wireless carriers have told SBC that, in the case of the wireless-to-wireless port the *losing* carrier (which usually is also the implementing carrier) typically assumes the responsibility for performing the verification, and that winning carriers (submitting carriers) typically rely upon the losing carriers to do so. So, when a wireline customer wishes to port his/her number to a wireless carrier, often no verification at all is performed to determine whether the port request is authorized by the end user of record or even whether the number on the port request is accurate. This gap in the intermodal porting process opens the door to inadvertent ports.

In order to minimize inadvertent ports, the Commission should consider imposing uniform requirements for verifying whether port requests are valid and accurate. Specifically, it should require that wireless carriers perform appropriate validation and verification prior to submitting a port request, sufficient to confirm that the request reflects the correct telephone number(s) and that the customer is authorized to port the telephone number(s) on the order. Although it may not be necessary to require wireless carriers to obtain LOAs or perform third party verification, as is required for wireline carriers, wireless carriers should bear the

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[19] *See* 47 CFR §64.1120, which limits the verification activities of wireline executing carriers.

responsibility for obtaining some form of verification from the customer. This would improve the integrity of the intermodal port requests, resulting in fewer inadvertent ports, which means less customer frustration.

As the Commission designs an appropriate verification process, it is important for the Commission to understand not only the rights and liabilities of all carriers involved, but also the competing incentives in place. It is the case that quick porting will require mechanization, but human intervention, which is often necessary to safeguard against inadvertent ports, inevitably adds delay. The losing carrier has an obligation to complete a port in a finite period of time utilizing a process initiated by the request of a direct competitor. In the case of wireline carriers, there are often state performance metrics and penalties associated with the carrier's ability to meet this timeframe. But the winning carrier has the time, opportunity, and incentive to perform the verification and is often the party responsible for providing the final input that is fed directly into mechanized systems. The obligation, therefore, to verify the validity of port requests should rest with the winning carrier.

VI. DEPENDING UPON THE SPECIFIC REQUIREMENTS IMPOSED BY THE COMMISSION, SBC SHOULD BE ABLE TO IMPLEMENT C2/A3 WITHIN THE NANC-RECOMMENDED 24 MONTHS

SBC agrees with the NANC's estimated implementation timeline and believes SBC and the rest of the industry generally should be able to implement this solution within 24 months. If, however, the Commission merely requires carriers to utilize a mechanized interface, which many use today, and allows the industry to continue using currently available LSOGs, then the 24 month implementation timeframe estimated by the NANC is not unreasonable.

SBC does not believe milestones are necessary and urges the Commission to refrain from establishing milestones for implementation. Each carrier may utilize different processes to

implement the solution and each should be able to establish the implementation schedule that best suits its needs.

VII. CONCLUSION

For the foregoing reasons, the Commission should adopt the recommendations stated herein.

Respectfully Submitted,

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